

COMMISSION ON VASAP
QUARTERLY BOARD MEETING
Friday, March 13, 2015

Minutes

Attendance

Commission Members

Delegate Jackson H. Miller, Chairman
Sheriff Michael L. Wade, Vice Chairman
Delegate David J. Toscano
The Honorable Gino W. Williams
Mr. John Saunders
Ms. Mellie Randall
Ms. Pat Eggleston
Mr. James Hatcher Johnson
Mr. Roy-Keith Lloyd

ASAP Directors

Ms. Robyn Allen
Mr. Anthony Carmichael
Ms. Victoria Kesler
Ms. Beth Lipes
Ms. Patricia Lowery
Ms. Cindy Sheffield
Ms. Pam Simmons
Ms. Tara Smith
Mr. Rick Wilkins

Absent

Senator Thomas K. Norment
Senator Richard H. Stuart
Delegate Richard L. Morris
The Honorable Mary Jane Hall
The Honorable George D. Varoutsos

Guests

Ms. Deborah Coffey
Mr. Adam Comeau
Mr. Chad Goodwin
Mr. John Honea
Ms. Krystal Hullett
Mr. Scott Mason
Mr. Jim Weaver

Commission Staff

Ms. Angela Coleman, Executive Director
Ms. Rosario Carrasquillo
Mr. Richard Foy
Mr. Drew Molloy
Mr. Christopher Morris
Ms. Charlene Motley

Time and Place

The quarterly meeting of the Commission on the Virginia Alcohol Safety Action Program (VASAP) was held on March 13, 2015 at the General Assembly Building 6th Floor Speaker's Conference Room. The meeting was called to order by Delegate Jackson H. Miller, Chairman.

Welcome

Delegate Miller welcomed and thanked everyone for attending the meeting.

Approval of Minutes

A motion was made by Mr. John Saunders and properly seconded by Judge Gino Williams to approve the minutes from the December 12, 2014 commission meeting. Eight were in favor. Delegate David J. Toscano abstained from voting.

Memorial Observance

The Commission on VASAP paused to acknowledge the contributions of the Honorable George W. Harris, Jr.

Judge Harris passed away on Friday, January 23, 2015 at his home.

Judge Harris was a dedicated member of the Commission on VASAP from 2008 until 2013. He was very active in commission initiatives and was passionate about matters affecting highway safety. Judge Harris was also known for his community interests, humanitarian work and his early participation in civil rights, as a member of the famous "Richmond 34." In 1960, this group of students staged a sit-in to demand service at the Thalheimer's Department Store. The students were arrested for trespassing and the charge was later overturned in 1963 by the United States Supreme Court.

Even after the close of his appointment, Judge Harris continued to be an ardent supporter of the agency and our mission. The safety of the motoring public was one of his primary concerns. An official letter of condolence was sent to his family on behalf of the membership and staff of the commission.

Delegate Miller stated, "Judge Harris was the kind of person that was direct and straight to the point," Delegate Miller added, "He was a good man and we will definitely miss him."

Executive Finance Report

The executive finance committee report was presented by Mr. Roy-Keith Lloyd. Mr. Lloyd reported that the executive finance committee met on March 6, 2015.

Ignition Interlock

Regulations

Mr. Lloyd provided an update on the ignition interlock regulations status. Mr. Lloyd also informed the commission members that the current ignition interlock vendor service contracts will expire on June 30, 2015.

The ignition interlock regulations have remained at the Governor's Office for review since December 9, 2014. According to the Department of Planning and Budget, the ignition interlock proposed regulations are in line with 111 other proposed regulations from other state agencies and they do not have a date of when the Governor's Office will conclude its review.

Once the Governor's Office has completed its review, the proposed regulations will be published in the Virginia Register of Regulations. If the regulations were to be signed by the Governor within the next month, the regulations would not be ready before June 30, 2015 when the ignition interlock vendor service contracts expire; considering, there needs to be a 60-day public comment period during which the commission will conduct a public hearing.

Since it is anticipated that the new regulations will not be in place prior to the expiration date, the ignition interlock vendors will be provided with the option of extending their service contracts for a period of one year. Mr. Lloyd added that the current contract allows for the one year extension, and it also gives vendors the option not to extend.

Mr. Lloyd also provided the commission members with instructions on tracking the ignition interlock regulatory process via the Virginia Regulatory website.

Delegate Miller added that Delegate David J. Toscano would be a great spokesperson in this matter. Delegate Toscano stated that if he could be of any assistance during this process to contact him.

Ignition Interlock Summary

Mr. Lloyd presented the Ignition Interlock Summary Report, which reflects the number of ignition interlock devices in use within the state during the months of November 2014, December 2014, and January 2015. As of January 2015, 8644 ignition interlock devices are in use.

LifeSafer

In January, LifeSafer had some equipment issues affecting the delivery of services to clients. There were issues with the time clock in their ignition interlock devices resulting in approximately 100 vehicles being disabled, in addition there was a delay in the resolution of this matter. Due to the delayed resolution of this issue, a decision was made by the commission to temporarily suspend LifeSafer's ability to receive new installation authorizations.

Mr. Christopher Morris, Special Programs Coordinator, elaborated on the suspension and other issues relating to LifeSafer.

LifeSafer had an issue with the time clock in the device. In 1998, LifeSafer engineers dated the time clock to expire during 2017. The time clock ran out on January 2015, two years earlier than scheduled; therefore, clients could not start their vehicles for the reason that the ignition interlock device went into a permanent lockout status. The commission was notified that LifeSafer noticed this issue on January 5, 2015. LifeSafer reported the issue to the commission on January 6, 2015. As soon as the issue was discovered, both the commission and LifeSafer initiated action plans. LifeSafer contacted all of their clients in Virginia to determine the extent of the problem. Fortunately, it was determined that the time clock issue only affected 75-100 clients. The commission extended its office hours to field any calls that came in relating to the situation. There were a total of 10-15 related calls received at the commission office. The information of the 10-15 clients was sent immediately to LifeSafer and the issues were corrected.

In addition, after LifeSafer corrected the time clock issue, they checked with their engineers to see if there were any other hidden issues, which they did not find. The clocks are now set to run out 136 years from 2015.

There was another issue after LifeSafer corrected the time clock in the device; some of the devices that the time clock affected had a minimal number of calibration reports with unusual readings during the period from January 5th-23rd, 2015. To resolve the issue, the ASAPs were advised to notify the commission of any reports containing BAC violations so that each could be addressed individually with LifeSafer for accuracy. Mr. Morris stated that overall the commission received only four or five calibration reports with violations during that time period. Only one of the reports received had unusual readings, and LifeSafer corrected the report by conducting a data fix on February 7.

As a result of these problems, the commission temporarily suspended LifeSafer. LifeSafer did not object to the suspension. The suspension was lifted after LifeSafer demonstrated that the problems were resolved, and a period of several days passed without any new complaints being received. LifeSafer is no longer under suspension.

Mr. Morris presented the next issue relating to LifeSafer. An ASAP case manager issued a non-compliance letter to a client returning him to court for ignition interlock violations. The client brought the letter to a LifeSafer technician. The client then advised the technician that the case manager needed clarification about a violation on the report. The technician believed the client and wrote an explanation of the interlock readings on the non-compliance report. The client did not take the report back to the case manager; instead, he presented it directly to the court at his non-compliance hearing. Based on what the technician wrote on the letter the judge dismissed the case.

Mr. Morris informed the commission that the correct procedure would have been for the technician to contact the ASAP case manager to verify any information and never put anything in writing. The commission notified Mr. Scott Mason, LifeSafer's state director regarding the issue. Mr. Mason stated that as a result a notice was distributed to all LifeSafer technicians throughout the state, reaffirming that providing the clients with a written statement is not allowed by VASAP regulations. Mr. Mason issued a follow up letter to all LifeSafer employees stating

that if there are any issues in the future to contact him. He will contact the ASAP in question and provide clarification if needed.

The final issue relating to LifeSafer that Mr. Morris presented was the communication between the commission and LifeSafer. LifeSafer encountered a situation between a technician and a client. However the commission was not notified of the situation. LifeSafer understands that whenever any situation occurs that could impact the integrity of Virginia's ignition interlock program, the commission must be notified.

Mr. Mason added that they are here to support the VASAP program.

Legislation

Mr. Lloyd also presented the legislative report summary which included information regarding House Bill 1639.

At the last commission meeting on December 12, 2014, Delegate Miller's proposed legislation to address an existing gap in the statutory requirement for ignition interlock was discussed.

Mr. Lloyd reported that House Bill 1639 passed allowing equal privileges and requirements for offenders convicted in federal court of an offense similar to Virginia's DUI Law.

Mr. Lloyd thanked Delegate Miller, the Department of Motor Vehicles, and the commission staff for their efforts in the passage of this legislation.

Delegate Miller specifically thanked the commission staff. He stated that the commission staff quickly reacted when it was found that the Department of Planning and Budget added an impact statement to House Bill 1639. He added that the commission staff contacted him, and then together, they explained to the Department of Planning and Budget that if House Bill 1639 is passed it would not create a fiscal impact for the Commonwealth. As a result, the impact statement was removed. "You guys did and I great job a really appreciate it. The legislation would not have passed if the impact statement was not removed from the legislation."

Executive Director's Report

Ms. Coleman presented the Executive Director's report.

Certification

Ms. Coleman provided an update and stated that the certification process is still on going. The code requires that the commission audit and certify local programs every three years. The current certifications expire on June 30, 2015. The certification team has seven remaining site reviews, each to be completed in time for the commission's full review at the June meeting. The staff has been working very hard going all across the state making sure that certification reviews are completed by the deadline. Every effort will be made to complete the follow-up site reviews at programs that have been identified as needing a second site visit and review.

Tri-River

Ms. Coleman explained that the Tri-River ASAP has incurred deficit situations for four out of the last eight months and they have less than two months of expenditures in their account. This is of concern to the commission because the commission will become financially responsible should the program run out of funds. She noted that they are still suffering a deficit situation even a year after placing their employees on furlough, sometimes once a week and most notably two times in the last month. The commission is very concerned because it was assumed that when Tri River ASAP placed employees on furlough, the situation would have improve, but unfortunately it has not.

Ms. Coleman stated that the VASAP policy allows the commission to conduct a management review of a program when significant issues have been identified. This ensures, among the other things, that the ASAP does not run out of money. Conducting a management review requires approval from the commission. Ms. Coleman respectfully asked the commission's approval to conduct a management review, for Delegate Miller to appoint a team, and for the report to be submitted at the June meeting when the program budget is reviewed.

Delegate Toscano moved to give Delegate Miller the authority to appoint a management review team for Tri River ASAP. The motion was properly seconded by Mr. Saunders. All were in favor.

Delegate Miller appointed Mr. Saunders, Ms. Coleman, Ms. Charlene Motley, Ms. Vicki Kesler, and Mr. Daren Leake to conduct the Tri River management review.

2015 VASAP Training Conference

Ms. Coleman announced that the 2015 commission on VASASP Training Conference will be on August 24th and 25th at the Hilton Short Pump Hotel in Richmond. She stated that a number of requests for proposals were submitted and this facility best suited the meeting needs and offered a competitive bid. All expenditures will be at or below state per diem. She added that more information will follow closer to the date of the conference. Ms. Coleman encouraged commission members to attend if their schedules allow.

Ms. Coleman also announced the 40th anniversary of ASAP. A dinner to recognize the accomplishments of VASAP and service awards will be held on the Monday evening of the conference at 6:00 PM. The commission is planning a special program to acknowledge past employees and persons instrumental in establishing VASAP.

If the schedules do not allow the commission members to attend the full conference, Ms. Coleman encouraged them to attend the dinner on Monday night to celebrate the 40th anniversary.

VASAPDA

Ms. Robyn Allen, President of the VASAP Directors' Association, presented the VASAPDA report.

Ms. Allen apologized for not attending the December 12, 2014 meeting due to an injury which prevented her from traveling. Ms. Allen stated that she has been with VASAP for 32 years, loves her career and thinks that what VASAP does has a tremendous impact on others.

Ms. Allen stated the VASAPDA will meet in May, and will discuss the role of VASAPDA and what changes need to be made so VASAPDA can enhance, reinvent, and continue to work together with the commission.

VASAPDA is currently working on 2015 ASAP program budgets to be submitted by April 1, 2015, ASAP programs standardization, and sending awareness posters to the high schools for prom and graduation events.

Delegate Miller thanked Ms. Allen for the 32 years of service to the VASAP.

Meeting Dates

June 5, 2015	10:00 a.m.
September 11, 2015	10:00 a.m.
December 11, 2015	10:00 a.m.

Delegate Miller advised that the June meeting has the potential to be longer than the usual meetings since the ASAP program budgets will be reviewed and final recommendations for certification will be made.

Adjournment

It was moved by Sheriff Michael Wade to adjourn the Commission on VASAP quarterly meeting. The motion was properly seconded by Delegate Toscano. All were in favor.



Delegate Jackson H. Miller, Chairman